

ESTTA Tracking number: **ESTTA711358**

Filing date: **11/30/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92062555
Party	Defendant Paul Dzubnar
Correspondence Address	BRADLEY J WALZ WINTHROP & WEINSTINE PA 3500 CAPELLA TOWER, 225 SOUTH SIXTH STREET MINNEAPOLIS, MN 55402 UNITED STATES
Submission	Answer
Filer's Name	Bradley J. Walz
Filer's e-mail	trademark@winthrop.com, bwalz@winthrop.com, sbell@winthrop.com
Signature	/Bradely J. Walz/
Date	11/30/2015
Attachments	11199328_1.pdf(115055 bytes)

6. Mr. Dzubnar is without sufficient information to admit or deny the allegations in Paragraph 6; therefore, specifically denies the same. For the record, Petitioner's allegations are misnumbered as there is no Paragraph 5 in the Petition for Cancellation.

7. Mr. Dzubnar is without sufficient information to admit or deny the allegations in Paragraph 7; therefore, specifically denies the same.

8. The allegations in Paragraph 8 call for a legal conclusion; therefore, no response is required.

9. The allegations in Paragraph 9 call for legal conclusions; therefore, no response is required.

AFFIRMATIVE DEFENSES

1. Petitioner has failed to state a claim for likelihood of confusion upon which relief can be granted.

2. Mr. Dzubnar reserves the right to assert additional affirmative defenses.

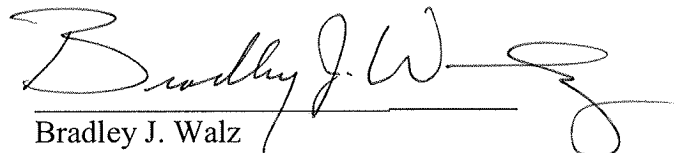
WHEREFORE, Respondent respectfully requests that the Board:

1 Deny the Petition for Cancellation; and

2 Award Mr. Dzubnar any further relief the Board deems equitable.

Respectfully submitted,

WINTHROP & WEINSTINE, P.A.


Bradley J. Walz

Dated: November 30, 2015

3500 Capella Tower
225 South Sixth Street
Minneapolis, MN 55402
(612) 604-6400 (Telephone)
(612) 604-6800 (Facsimile)

ATTORNEYS FOR RESPONDENT
PAUL DZUBNAR

11188622v1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Sweet P's Barbeque & Soul House, LLC

Petitioner,

v.

Paul Dzubnar,

Respondent.

Cancellation No. 92062555

CERTIFICATE OF SERVICE BY MAIL

STATE OF MINNESOTA)

) ss.

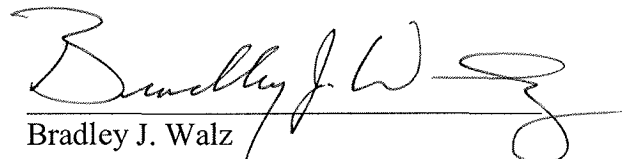
COUNTY OF HENNEPIN)

Bradley J. Walz, of the City of Minneapolis, County of Hennepin, in the State of Minnesota, states that on the 30th day of November, 2015, he mailed by First Class mail, a true and correct copy of the:

1) Answer

in the above-captioned action to the following last known address of record for Petitioner, to-wit:

Robert O Fox
Luedeka Neely Group PC
P.O. Box 1871
Knoxville, TN 37901


Bradley J. Walz